



UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT TACOMA

DR.CHASSIDY F LUCAS, individually and CB
STORMWATER LLC, a Washington limited

liability Company

Plaintiff,

vs

ENPAC, LLC Ohio limited liability

Company and TIMOTHY D. REED, individually

Defendants.

Civil Action No. 11-cv-37

DECLARATION OF DR.
CHASSIDY F LUCAS AND CB
STORMWATER LLC

February 4, 2011



11-CV-00037-DECL

I Dr. Chassidy F Lucas and CB Stormwater LLC, declare as follows:

I am very familiar with the facts and findings set forth herein and make this declaration based on my professional, personal and Company knowledge.

I am one of the managing members and Power of Attorney of plaintiff, CB Stormwater LLC and Dr. Chassidy F Lucas hereinafter "CB Stormwater LLC and LUCAS"), which is an Washington limited liability company.

With the assistance of my other managing member and council assistant, I was able to discover Patent and Copy right infringement after August 2010 receiving my U.S. Patent no.7,771,591 and discovered METROCHEM, SPILL KIT.COM, ENVIROMET, ENPAC AND RONI AND DEREK SASAKI had infringed on my copy right work that was developed and signed by METROCHEM before manufacturing.

On September 3rd 2010 at 10:01 AM I Dr. Chassidy Lucas called METROCHEM Roni Saski and she answered the telephone. I said "hi Roni" this is Dr. Lucas CB Stormwater LLC. And for at least 61 seconds the telephone was silent as if she was gasping of a breathe and replied "

1 hi Chas" how are you? I told her that I was sending friendly fire and discovered that she was
 2 manufacturing my copy right designs and work "my liner design". I also told her I heard you
 3 were sued for the DrainWeb design by ACF and lost so you went to my design. A conversation I
 4 had with Mr. Timothy D Reed, revealing who had sued her and why. Yet today after the United
 5 States District Court ordered her to change the design and submit a new drawing for U.S. Patent
 6 no. 7,201,843, Roni and Derek Sasaki continued to use patent #7,201,843 with the same
 7 drawing they were both ordered to surrender in 2005. ENPAC has been selling the same
 8 monopoly as well. Now Roni and Derek Sasaki has my liner or sack that "DIRECTLY" is a
 9 component to my patent filtration unit hanging from a wire and selling each liner or sack with
 10 patent no. 7,201,843 and a drawing and design connected to that patent number that METRO
 11 CHEM and ENPAC were court ordered in 2005 to quit and to surrender using and selling,
 12 namely "THE SENTINAL AND THE DRAIN WEB".

13 On January 1, 2011 Derek and Roni Sasaki were served by certified mail to address 1200 West
 14 8th St. Vancouver, WA 98666 DEMANDING THAT SHE DISCONNTINUE USING MY
 15 PATENT "LINER OR FILTER SACK"

16 In October 2010 CB Stormwater LLC and Dr. Chassidy F Lucas received several calls from Mr.
 17 Timothy D Reed. Mr. Reed stated to Dr. Lucas that he was going to get very, "very aggressive"
 18 and was not going to leave this alone until I disappear. Dr. Lucas immediately received a faxed
 19 letter faxed to (253) 843-1280 from Attorney Randolph E, Diggs III at (216)566-9711 on
 20 October 29, 2010 stating that from this letter forward that ENPAC and TIMOTHY D REED
 21 have hired him to defend something? Tim feels he owns. I told Mr. Digges I would join him in
 22 court should he want to take this conversation any further. Several days later I received another
 23 call from Mr. Diggs in a very ugly low voice telling me that he hopes to see me in court and I
 24 replied, "Me TOO!". January 10, 2011 a courier came to 30910 40th Ave So, Roy, WA 98580 to
 25 serve CB Stormwater LLC and Dr. Chassidy F Lucas with a COMPLAINT FOR
 26 DECLARATORY JUDGEMENT OF PATENT INVALIDITY AND NON-INFRINGEMENT
 27 AND FOR LANHAM ACT VIOLATIONS.

28 Seconds after that "breaking news" hit twitter and facebook telling the world that Lucas was
 29 being sued for Patent Invalidity, Lanham Act and that ENPAC had already won and that The
 30 State of Washington was to favor ENPAC OHIO state. Those content twitters have ended our
 31 business and made CB Stormwater LLC and Dr. Lucas and family suffer great damages.

32 Dr. Lucas responded to Lawrence D Graham located at 701 fifth Avenue, Suite# 4800 Seattle,
 33 WA 98104. Attorney for ENPAC and TIMOTHY D REED.

34 January 14, 2011 Dr. Chassidy F Lucas and CB Stormwater LLC received an email sent to
 35 "DR.CHASSIDYLUCAS@STORMWATERPURE.COM and fax # (253) 843-1280 from
 36 Newman & Newman Attorneys at Law LLP. Derek Newman introduced himself as manager for
 37 Newman and Newman and wanted to represent CB Stormwater LLC and Dr. Chassidy F Lucas

1 Ph.D. on behalf of ENPAC and Timothy D Reed accusations. Dr. Lucas contacted by email
 2 Mr. Derek Newman on January 25, 2011 in the late afternoon asking Derek Newman to give CB
 3 Stormwater a call. Mr. Newman responded both back by email and then again at 9am the next
 4 business morning January 26, 2011.

5 **COPY OF THE LETTER AND EMAILS FROM NEWMAN AND**
 6 **NEWMAN ENCLOSED AS "EXHIBIT A"**

7 Mr. Newman seemed very fast track about the situation and potential judgments that were
 8 served. Newman claimed that all three of his associates had reviewed, discovered and further
 9 stated "the patent is yours Dr. Lucas". I finally made an appointment again by email to Derek
 10 Newman confirmed the time and day my business partner Bianca M Lucas and I would be at his
 11 firm. On Thursday 27, 2011 at 9 am Bianca Lucas, CB Stormwater and Dr. Lucas arrived in
 12 Seattle, WA at Newman & Duwors Attorneys at law located at 1201 third Avenue Suite 1600
 13 Seattle, WA 98101. We met with Randy Moeller, Derek Linke and Derek Newman. At first
 14 Derek Newman broke into the conversation by stating that the Patent and trademarks belong to
 15 Dr. Chassidy F Lucas and then continued for the one in a half hours Derek Newman referring to
 16 Dr. Lucas as a 55 year old Native Indian American, laughed hysterically about some classes Dr.
 17 Lucas took in Berekley , CA. in the early 1993, and was swift to discover how she received her
 18 Ph.D.

19 Newman and his Associates Instructed Dr. Lucas to turn away from ENPAC and TIMOTHY D
 20 REED. Derek Newman and his associates Randy Moeller and Derek Linke instructed Dr. Lucas
 21 to instead go and enjoy her family and don't waste precious time suing ENPAC and Timothy D
 22 Reed.

23 After listening to Derek I finally looked up at Derek Newman and asked "why ENPAC and
 24 timothy D Reed?" He looked up at me along with Randy Moeller and Derek Linke and said
 25 "BECAUSE YOU ARE A FUCKIN BITCH ANDWHO THE HELL DO YOU THINK YOU
 26 ARE TO PATENT YOUR DEVISE AND EVERYONE NOT HAVE THE CHANCE TO
 27 DISTRIBUTE THEM. TIMOTHY REED HAS MONEY TO BURN AND HE PLANS TO
 28 MAKE YOUR BUSINESS AND LIFE A LIVING HELL". Quoted directly from Mr. Derek
 29 Newman himself then Derek Linke got up and swiftly left the conference room.

30 Ten minutes later the meeting ended, Derek Newman and Randy Moeller got up to shake our
 31 hands and said they would call us. "Lucas and CB Stormwater" still had not hired Newman, just
 32 came to the meeting to hear what Newman and associates had to say.

33 Derek knew we had until February 4th 2011 to respond to the accusations that CB Stormwater
 34 LLC and Dr. Chassidy F Lucas had received. Newman with a few new emails on the day of
 35 Febuary 4th 2011 in the early 7am with another email instructing me to wait for a call from him
 36 at 9am and never calling, then another email hours later at 1 pm telling us Newman and

1 Associates could not help us and they believe the patent is invalid and we would have to
2 continue to prove to him otherwise before he would take the case. But Derek Newman was not
3 aware that we never hired him and we had already answered in district Court that very morning
4 February 4th 2011.

5 Later that evening I received yet another email with instructions from Newman telling me how
6 sorry he was that he did not schedule us in that morning. Timothy D Reed did state to Dr.
7 Chassidy F. Lucas and The State of Washington that he was going to take our state.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT A

NEWMAN & NEWMAN
ATTORNEYS AT LAW, LLP

1201 Third Avenue
Suite 1600
Seattle, Washington
98101

phone 206.274.2800
fax 206.274.2801

www.newmanlaw.com
info@newmanlaw.com

SENT VIA U.S. MAIL, EMAIL & FACSIMILE TO (253) 843-1280

January 14, 2011

Dr. Chassidy F. Lucas
CB Stormwater LLC
30910 40th Avenue South
Roy, Washington 98580
Email: <dr.chassidylucas@stormwaterpure.com>

Re: **Enpac, LLC v. Lucas, et al.;**
U.S.D.C. W.D. Wash Case No. 11-cv-00037-MJP

Dear Dr. Lucas:

As you may already know, Enpac, LLC filed a lawsuit in Seattle federal district court against CB Stormwater LLC and you personally seeking a judicial declaration that your U.S. Patent No. 7,771,591 is invalid. Enpac is also seeking monetary damages under federal law for alleged violations of the Lanham Act which prevents false advertising and unfair marketing practices. If you have not seen the complaint, it is attached for your reference. I am interested in representing you and your company in this matter.

I manage Newman & Newman, a Seattle firm with over ten years of experience litigating intellectual property disputes in federal court. Our firm has substantial patent litigation experience and has had several cases before Judge Pechman, to whom this matter has been assigned. We can provide you the best defense possible at rates substantially less than other firms with similar experience and capabilities.

I hope to have the opportunity to work with you. Please feel free to contact me if you would like to discuss this matter. My direct dial is (206) 274-2828.

Very Truly Yours,

NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP



Derek A. Newman

dr.Chassidy Lucas

From: Derek A. Newman [DN@newmanlaw.com]
Sent: Friday, February 04, 2011 1:21 PM
To: dr.chassidyucas@stormwaterpure.com
Cc: Randy Moeller; Derek Linke
Subject: RE: ENPAC

Dr. Lucas,

I apologize. I just got out of a meeting and didn't calendar the call with you because I hadn't received your reply before my meeting started.

Randy, Derek Linke, and I wanted to speak with you. We believe the patent is likely invalid. For that reason, we cannot accept the case on a contingency fee basis—unless of course you can convince us otherwise.

Are you available later today for a call?

-Derek

From: dr.Chassidy Lucas [<mailto:dr.chassidyucas@stormwaterpure.com>]
Sent: Friday, February 04, 2011 11:12 AM
To: Derek A. Newman
Subject: RE: ENPAC

Please call 253 219-9613

Thanks

Dr. Lucas

From: Derek A. Newman [<mailto:DN@newmanlaw.com>]
Sent: Friday, February 04, 2011 7:32 AM
To: dr.chassidyucas@stormwaterpure.com
Cc: Randy Moeller; Derek Linke
Subject: Re: ENPAC

Dr. Lucas,

Are you available for a call today? If so, how about 1 pm?

-Derek

From: dr.chassidyucas@stormwaterpure.com [<mailto:dr.chassidyucas@stormwaterpure.com>]
Sent: Wednesday, January 26, 2011 08:52 AM
To: Derek A. Newman
Subject: RE: ENPAC

We will see you at 1:00 Thursday the 27th

Thank You

From: Derek A. Newman [<mailto:DN@newmanlaw.com>]
Sent: Wednesday, January 26, 2011 7:03 AM

To: dr.chassidyucas@stormwaterpure.com

Subject: Re: ENPAC

My office at 1201 Third Avenue, Suite 1600. That's Third between University and Seneca downtown.

Are you available at either noon or 1 pm?

-Derek

From: dr.Chassidy Lucas [<mailto:dr.chassidyucas@stormwaterpure.com>]

Sent: Wednesday, January 26, 2011 06:34 AM

To: Derek A. Newman

Subject: RE: ENPAC

Yes we can let me know where?

Thank you

Dr. Chassidy F Lucas Ph.D. CESL SWMP Certified US Inventor

CB Stormwater LLC.

PO Box 39647

Lakewood, WA 98496

www.stormwaterpure.com

Telephone: (360) 417-5205

Fax: (360) 417-5207

From: Derek A. Newman [<mailto:DN@newmanlaw.com>]

Sent: Tuesday, January 25, 2011 8:04 PM

To: dr.chassidyucas@stormwaterpure.com

Subject: RE: ENPAC

Dr. Lucas,

I will call you tomorrow (Wednesday) around 9:00 a.m.

Can we meet on Thursday?

-Derek

From: dr.Chassidy Lucas [<mailto:dr.chassidyucas@stormwaterpure.com>]

Sent: Tuesday, January 25, 2011 4:52 PM

To: Derek A. Newman

Subject: ENPAC

Dear Derek

Give me a call, just got back into town last night.

Thank you

Dr. Chassidy F Lucas Ph.D. CESL SWMP Certified US Inventor

CB Stormwater LLC.

PO Box 39647

Lakewood, WA 98496

www.stormwaterpure.com

Telephone: (360) 417-5205

Fax: (360) 417-5207

dr.Chassidy Lucas

From: Derek A. Newman [DN@newmanlaw.com]
Sent: Friday, February 04, 2011 7:32 AM
To: dr.chassidylucas@stormwaterpure.com
Cc: Randy Moeller; Derek Linke
Subject: Re: ENPAC

Dr. Lucas,

Are you available for a call today? If so, how about 1 pm?

-Derek

From: dr.chassidylucas@stormwaterpure.com [mailto:dr.chassidylucas@stormwaterpure.com]
Sent: Wednesday, January 26, 2011 08:52 AM
To: Derek A. Newman
Subject: RE: ENPAC

We will see you at 1:00 Thursday the 27th

Thank You

From: Derek A. Newman [mailto:DN@newmanlaw.com]
Sent: Wednesday, January 26, 2011 7:03 AM
To: dr.chassidylucas@stormwaterpure.com
Subject: Re: ENPAC

My office at 1201 Third Avenue, Suite 1600. That's Third between University and Seneca downtown.

Are you available at either noon or 1 pm?

-Derek

From: dr.Chassidy Lucas [mailto:dr.chassidylucas@stormwaterpure.com]
Sent: Wednesday, January 26, 2011 06:34 AM
To: Derek A. Newman
Subject: RE: ENPAC

Yes we can let me know where?
Thank you

Dr. Chassidy F Lucas Ph.D. CESL SWMP Certified US Inventor
CB Stormwater LLC.
PO Box 39647
Lakewood, WA 98496
www.stormwaterpure.com
Telephone: (360) 417-5205
Fax: (360) 417-5207

From: Derek A. Newman [mailto:DN@newmanlaw.com]
Sent: Tuesday, January 25, 2011 8:04 PM
To: dr.chassidyucas@stormwaterpure.com
Subject: RE: ENPAC

Dr. Lucas,

I will call you tomorrow (Wednesday) around 9:00 a.m.

Can we meet on Thursday?

-Derek

From: dr.Chassidy Lucas [mailto:dr.chassidyucas@stormwaterpure.com]
Sent: Tuesday, January 25, 2011 4:52 PM
To: Derek A. Newman
Subject: ENPAC

Dear Derek
Give me a call, just got back into town last night.
Thank you

Dr. Chassidy F Lucas Ph.D. CESL SWMP Certified US Inventor
CB Stormwater LLC.
PO Box 39647
Lakewood, WA 98496
www.stormwaterpure.com
Telephone: (360) 417-5205
Fax: (360) 417-5207

I declare that the acts of METRO CHEM Roni and Derek Sasaki and ENPAC Timothy D Reed have cause significant damages to CB Stormwater and Dr. Chassidy F Lucas Ph.d. long and hard earned reputation. This has hurt The State of Washington and businesses that are buying twice resold products stolen from Washington State born and engineered businesses, market exposure and penetration, market share, commercial reputation, goodwill and sales of The Sea Life Saver Filtration unit for catch basins, unless enjoined forever.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

EXECUTED ON FEBUARY 3RD 2011.

DR. CHASSIDY F LUCAS

Bianca Lucas

From: Mark Shaw [mark@spillcontainment.com]
Sent: Wednesday, January 12, 2011 4:30 AM
To: biancalucas@stormwaterpure.com
Subject: Upcoming trial
Attachments: image003.gif; image004.jpg

Hi Bianca. Thank you for notifying us about the upcoming trial against Enpac. We wish you success in your effort.

I am not able to attend due to other obligations but I would like to share the following information with you. I am not sure if any of it will help or can be used, but better to share this with you than not.

1. Enpac has shown a history of infringing and not living up to their agreements. UltraTech has sued them three times, twice for patent infringement and settled to our satisfaction. In both cases they had to change the product and stop selling the version they had been selling. The third suit was to get them to complete the terms of their settlement agreement. We also sent them a letter regarding false marking of a patent number which they subsequently ceased doing. I believed they were sued by a company named Aire for breaching a contract. They also were charged with bribing state DOT officials, submitting false invoices and other illegal activities in their attempt to win Ohio DOT contracts. This certainly shows a trend in how they do business.
2. ACF sued Metrochem for patent infringement on the "DrainGuard" patent (UltraTech's product). UltraTech is the exclusive licensee and ACF owns the patent. During the settlement of that initial suit, Metrochem formed a new company Spyder Environmental and was working on a new adjustable frame design catch basin insert during those settlement discussions. They were sued again after they came out with the new design and they filed two patent reexamination requests. The end result was a settlement and Metrochem/Spyder/Sasaki had to change their design and they came out with the unformed bag design (that they had an agreement to make only for you, as I understand it).
3. From what I can tell, I think the initial manufacturing agreement you had with Roni has some importance in this case. While they could make the unformed bag as a way to avoid infringing the ACF "DrainGuard" patents and that was part of a settlement agreement, it appears they had a previous agreement stating they would not make a bag type insert for anyone but you. You had taught them about that design and about the stormwater market in general. So if they cannot make a bag with a skirt or else they would infringe on ACF/UltraTech, and if they cannot make a unformed bag design per their agreement with you, then they would not seem to have any options for making their product for Enpac to sell. That would be one means to get them out fo the market.

If you need any affidavits or if there is anything else I can do for you, please let me know. Good luck.

UltraTech Logo master copy2

Mark Shaw • Co-President

UltraTech International, Inc.

11542 Davis Creek Court Jacksonville, FL 32256 USA

800.353.1611 x 205 904.292.1611 x 205

Fax: 904.292.1325

Mark@SpillContainment.com

[cid:image002.gif@01CAF835.F9030400](#)

UltraTech was voted the # 1 rated place to to work in Northeast Florida, 2010

SpillContainment <<http://www.spillcontainment.com/>> * Stormwater Management
<<http://www.stormwater-products.com/>>

Facility Protection <<http://www.facilityprotection.com/>> * Construction Compliance
<<http://www.constructioncompliance.com/>>

RadWaste Management <<http://www.radwasteproducts.com/>>